

ESTTA Tracking number: **ESTTA220175**

Filing date: **06/25/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	COPIA: The American Center for Wine, Foo
Granted to Date of previous extension	06/25/2008
Address	500 First Street Napa, CA 94559 UNITED STATES
Party who filed Extension of time to oppose	COPIA: The American Center for Wine, Food & The Arts
Relationship to party who filed Extension of time to oppose	The form will not allow the entire opposer's name to be input

Attorney information	Tsan Abrahamson Cobalt LLP 819 Bancroft Way Berkeley, CA 94710 UNITED STATES trademarks@cobaltlaw.com Phone:510-841-9800
----------------------	-----------------------------------------------------------------------------------------------------------------------------------------

Applicant Information

Application No	77266600	Publication date	02/26/2008
Opposition Filing Date	06/25/2008	Opposition Period Ends	06/25/2008
Applicant	Epicopia Culinary Tourism Publishing & Consulting, Inc. Suite 440 4110 SE Hawthorne Blvd. Portland, OR 97214 UNITED STATES		

Goods/Services Affected by Opposition

Class 016.

All goods and services in the class are opposed, namely: printed guides featuring articles and reviews about food and drink in selected locations and regions throughout the world

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2680084	Application Date	08/17/2001
Registration Date	01/28/2003	Foreign Priority Date	NONE
Word Mark	COPIA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1998/01/00 First Use In Commerce: 1998/01/00 prints and publications; namely, brochures in the field of education, exploration and celebration of the role of wine, food and the arts in American culture</p> <p>Class 033. First use: First Use: 1999/08/09 First Use In Commerce: 1999/08/09 wine</p>		

U.S. Registration No.	2915002	Application Date	01/26/2001
Registration Date	12/28/2004	Foreign Priority Date	NONE
Word Mark	COPIA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 2001/11/18 First Use In Commerce: 2001/11/18 Museums, educational services, namely, conducting classes, seminars, workshops, and conferences pertaining to wine, food and the arts, and entertainment services, namely, conducting exhibitions in the nature of wine, food, and art festivals and wine and food tastings, organizing cultural events, educational demonstrations, art shows and exhibits, visual and audio performances, all pertaining to wine, food and the arts</p> <p>Class 042. First use: First Use: 2001/11/18 First Use In Commerce: 2001/11/18 Restaurant services</p>		

U.S. Registration No.	2941545	Application Date	07/30/2002
Registration Date	04/19/2005	Foreign Priority Date	NONE
Word Mark	COPIA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: First Use: 2000/12/00 First Use In Commerce: 2001/03/00 all purpose bags, carry on bags, clutch bags, duffle bags, book bags, shoulder bags, souvenir bags, tote bags, travel bags, umbrellas and wine bottle bags</p> <p>Class 025. First use: First Use: 2001/03/00 First Use In Commerce: 2001/03/00 aprons, hats, head wear, jackets, jerseys, knit shirts, shirts, tops, sweatshirts, tee-shirts, caps, chefs' uniforms and chefs' toques</p>		

Attachments	76301450#TMSN.gif (1 page)(bytes) EPICOPA opposition.pdf (4 pages)(150534 bytes)
-------------	--------------------------------------------------------------------------------------------

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Gregory S. Soltys/
Name	Gregory S. Soltys
Date	06/25/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application

Serial No.: 77/266,600
Filed: August 28, 2007
By: Epicopia Culinary Tourism Publishing & Consulting, Inc.
Published: February 26, 2008
For the Trademark: EPICOPIA
International Class: 16

COPIA: The American Center for Wine,
Food & the Arts,

Opposer,

v.

Epicopia Culinary Tourism Publishing &
Consulting, Inc.

Applicant.

Opposition No.

NOTICE OF OPPOSITION

COPIA: The American Center for Wine, Food & the Arts, a California nonprofit public benefit corporation, with its principal place of business at 500 First Street, Napa, CA 94559 ("COPIA" or "Opposer"), believes that it will be damaged by the issuance of a registration for the mark EPICOPIA, as set forth in United States Patent and Trademark Office ("USPTO") Application Serial No. 77/266,600, filed by Epicopia Culinary Tourism Publishing & Consulting, Inc. ("Applicant") on August 28, 2007 and published in the *Official Gazette* on February 26, 2008. COPIA hereby opposes Applicant's application and requests that registration to Applicant be refused.

As grounds for opposition, it is alleged that:

1. Applicant is seeking to register the mark EPICOPIA for "printed guides featuring articles and reviews about food and drink in selected locations and regions throughout the world."
2. Opposer is owner of Registration No. 2,680,084 for the mark COPIA for "prints and publications; namely, brochures in the field of education, exploration and celebration of the role of wine, food and the arts in American culture," and "wine."
3. Opposer is owner of Registration No. 2,915,002 for the mark COPIA for "museums, educational services, namely, conducting classes, seminars, workshops, and conferences pertaining to wine, food and the arts, and entertainment services, namely, conducting exhibitions in the nature of wine, food, and art festivals and wine and food tastings, organizing cultural events, educational demonstrations, art shows and exhibits, visual and audio performances, all pertaining to wine, food and the arts," and "restaurant services."
4. Opposer is owner of Registration No. 2,941,545 for the mark COPIA for "all purpose bags, carry on bags, clutch bags, duffle bags, book bags, shoulder bags, souvenir bags, tote bags, travel bags, umbrellas and wine bottle bags," and "aprons, hats, head wear, jackets, jerseys, knit shirts, shirts, tops, sweatshirts, tee-shirts, caps, chefs' uniforms and chefs' toques."
5. Opposer's use of the mark COPIA has been valid and continuous since at least as early as January 1998.
6. Applicant's mark EPICOPIA is substantially similar to Opposer's mark COPIA.
7. Applicant's goods are commercially related to Opposer's goods and/or services.
8. Opposer has priority.
9. The goods are likely to travel in the same channels of trade, and/or be sold in the same retail outlets, and/or be purchased by the same class of consumers and/or be found in the same overlapping market environments.

10. In view of the substantial similarity between the respective marks and the commercial relationship between the goods, registration of Applicant's mark is likely to cause confusion, mistake or deception to purchasers of Registrant's goods, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

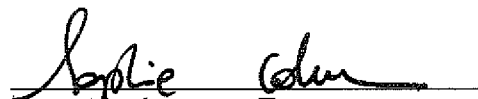
WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial No. 77/266,600 and respectfully requests that registration be refused and this opposition be sustained.

Please deduct the opposition fee in the sum of \$300.00, pursuant to 37 C.F.R. §2.6(a)(17), from the Cobalt LLP deposit account, No. 503214.

COBALT LLP

Respectfully Submitted,
Date: June 25, 2008

By:


Tsan Abrahamson, Esq.
Sophie Cohen, Esq.
Katherine C. Spelman, Esq.
Attorneys for Opposer

COBALT LLP
819 BANCROFT WAY
BERKELEY, CALIFORNIA 94104
TEL: 510.841.9800
FAX: 510.295.2401
E-MAIL: TRADEMARKS@COBALTLAW.COM

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this first day of June 25, 2008, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served upon Applicant by U.S. First Class Mail in an envelope, postage pre-paid, addressed as follows:

John M. McCormack
Kolisch Hartwell, P.C.
520 S.W. Yamhill Street
Suite 200
Portland, OR 97204

By: 

Name: Michele Milo